

# THE DARRANT LAW FIRM

July 28, 2023

*Via ECF and Email*

Daniel Patrick Moynihan  
Hon. Victor Marrero United States Courthouse  
500 Pearl Street, Suite 1610  
New York, New York 10007  
ChambersNYSDMarrero@nysd.uscourts.gov

Re: ***NIKE v. BY Kiy, et al.*** – 1:23-cv-02431-VM (S.D.N.Y.) – Emergency Objection to  
Magistrate Judge's Ruling

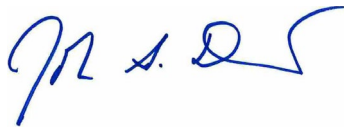
Dear Judge Marerro:

Per your Individual Rule of Practice II.A, Defendant and Counterclaimant By Kiy, LLC and Defendant Nickwon Arvinger (collectively, "By Kiy") write to call the Court's attention to ECF Nos. 106-108 in this case, regarding an emergency request for a stay of a deposition because of issues that arose yesterday requiring the mandatory withdrawal of undersigned counsel and Zakari Kurtz, my co-counsel. We have received word from Judge Cave's clerk that:

The Court will issue an order this morning DENYING the motion for a protective order. Mr. Arvinger's deposition SHALL proceed today as scheduled. The Court's Order shall also set a briefing schedule for Mr. Durrant's anticipated motion to withdraw and provide instructions regarding in camera review of any privileged documents.

By Kiy respectfully objects to this forthcoming ruling and appeals to Your Honor to reverse the forthcoming Order, issue a protective order staying the deposition, which is to occur today.

Respectfully submitted,



John Durrant, Esq.  
THE DARRANT LAW FIRM, APC

Cc: Zakari Kurtz, Esq.